

REMARKS

Claims 1-2, and 5-13 remain pending in this application after entry of this amendment. Claim 1 was amended herein. Claims 3 and 4 were cancelled herein. Favorable reconsideration is respectfully requested in light of the amendments and remarks submitted herein.

The Examiner objected to the drawings. Applicant submits herewith a proposed drawing correction indicating, with cross-hatching, the types of materials. Favorable reconsideration is respectfully requested in light of the proposed drawing correction.

Claims 1-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Own Admission of Prior Art (AOAPA) in view of Dammert et al. (WO 95/17463). Applicant respectfully traverses this rejection.

Applicant has amended claim 1 to include the elements of claims 3 and 4. Applicant respectfully asserts that the Examiner has mischaracterized the Dammert reference with respect to claims 3 and 4, and in fact claims 3 and 4 should have been allowable. Therefore, with the inclusion of the elements of claims 3 and 4 into amended claim 1, Applicant respectfully asserts that claim 1 is now allowable. Because all other claims are dependent on claim 1, Applicant respectfully asserts that they are all in condition for allowance as well.

In order to establish *prima facie* obviousness, three basic criteria must be met, namely: (1) there must be some suggestion or motivation to combine the references or modify the reference teaching; (2) there must be a reasonable expectation of success; and (3) the reference or references when combined must teach or suggest each claim limitation. Applicant submits that a *prima facie* case of obviousness cannot be made against the newly amended claims.

A *prima facie* case of obviousness cannot be made because the AOAPA, Dammert, or the combination, thereto do not teach all of the claim elements. The Examiner states, at page 3, lines 12-16 that Dammert teaches that the typical compositions contain a cross linkable polymer that includes carboxylics (referring to page 5, lines 21-28 of Dammert). Applicant respectfully disagrees with the Examiner's reading of the Dammert reference with respect to this point. At page 5, lines 21-28, Dammert is actually disclosing characteristics of additional catalysts that can be used, not characteristics of the crosslinkable polymer. As seen in newly amended claim 1, the crosslinkable polymer in the Applicant's invention is the entity that has hydrophilic groups selected from siloxane, amide, anhydride, carboxylic, carbonyl, hydroxyl, and ester groups.

Similarly, the AOAPA does not disclose anything about crosslinkable polymers having hydrophilic groups selected from siloxane, amide, anhydride, carboxylic, carbonyl, hydroxyl, and ester groups. Therefore, neither AOAPA, Dammert, nor the combination thereof discloses or suggests the use of crosslinkable polymers having hydrophilic groups selected from siloxane, amide, anhydride, carboxylic, carbonyl, hydroxyl, and ester groups. Therefore, Applicant respectfully asserts that the AOAPA, Dammert, or the combination thereof fail to teach or suggest all of the elements of the pending claims.

Furthermore, a *prima facie* case of obviousness has not been made because there is no suggestion or motivation to modify the teachings of the prior art to result in Applicant's invention. Specifically, the prior art provided no motivation to modify the reference to utilize crosslinkable polymers that have hydrophilic groups selected from siloxane, amide, anhydride, carboxylic, carbonyl, hydroxyl, and ester groups. The only motivation for this modification can be found in the Applicant's specification, because the Applicant realized that there was a problem with the cables of Dammert because the rate of migration of water was not high enough. It is improper, in determining whether a person of ordinary skill in the art would have been motivated to make the modification based on what the Applicant teaches in the specification. MPEP 2143.01. Because there was no motivation to modify the teachings of the prior art to result in Applicant's invention, a *prima facie* case of obviousness cannot be made, and therefore, rejection of the newly amended claims as obvious is not proper. Applicant respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn.


Conclusion

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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